

REMARKS

The Office Action dated April 2, 2010, and made Final, has been carefully reviewed and the foregoing Amendment has been made in consequence thereof.

Claims 1-5 and 7-21 are now pending in this application. Claims 1-5 and 7-22 stand rejected. Claim 22 has been cancelled.

Applicants and the undersigned wish to thank Examiners Pandya and McClellan for the courtesies extended in a telephonic interview with Michael Anslinger on May 14, 2010. During the interview, the pending Section 103 rejections based on U.S. Patent Publication No. 2003/0060266 to Baerlocher (hereinafter referred to as "Baerlocher"), U.S. Patent No. 6,620,046 to Rowe (hereinafter referred to as "Rowe"), and U.S. Patent Publication No. 2002/0142846 to Paulsen (hereinafter referred to as "Paulsen") were discussed. Specifically, it was discussed whether Baerlocher describes presenting a preselected wager threshold to a player via a visual message or an audio message. No agreement was reached with respect to the allowability of the claims. Moreover, Examiner Pandya noted that a new search will be performed based on the claims as amended herein. Applicant respectfully submits that this amendment places this application in condition for allowance. If either Examiner Pandya or Examiner McClellan wishes to discuss this amendment any further, please feel free to contact Michael Anslinger or the undersigned personally.

The rejection of Claims 1-5, 7-15, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Baerlocher in view of Rowe is respectfully traversed.

Independent Claim 1 has been amended to recite "presenting a preselected wager threshold to a player via at least one of a visual message and an audio message...." Independent Claim 7 has been similarly amended. Applicant respectfully submits that no combination of Baerlocher and Rowe describes nor suggests such a recitation. Moreover, Applicant respectfully traverses the assertion on pages 2 and 7 of the Office Action that Baerlocher describes presenting a preselected wager threshold to a player. Rather, Applicant respectfully submits that Baerlocher describes *a surprise or mystery bonus trigger* that is

based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player. However, Baerlocher does not describe nor suggest presenting, *using a visual message or an audio message*, the preselected wager threshold to the player. Applicant submits that presenting a preselected wager threshold differs from merely requiring a number of credits to be wagered, as is described by Baerlocher.

Moreover, Claim 1 has been amended to recite “prompting the player to increase the accepted wager when the accepted wager is less than the preselected wager threshold...” Applicant respectfully submits that no combination of Baerlocher and Rowe describes nor suggests such a recitation. Rather, as described above, Baerlocher describes *a surprise or mystery bonus trigger* that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player. However, Baerlocher does not describe nor suggest comparing an accepted wager to a preselected wager threshold, and prompting the player to increase the wager if the accepted wager does not at least equal the preselected wager threshold.

Baerlocher describes a gaming method that requires a player at a gaming device (10) to wager a number of credits to qualify or be eligible for a main or first bonus game. The gaming device (10) determines whether a bonus triggering symbol or symbol combination (hereinafter referred to as a “bonus trigger”) for the first bonus game appears along a payline (56) or in a scatter arrangement. If the bonus trigger for the first bonus game is generated, the gaming device (10) determines whether the player has wagered at least a first predefined number of credits. If so, the gaming device (10) initiates the first bonus game. If the bonus trigger is generated, but the player has not wagered at least the first predefined number of credits, the gaming device (10) determines whether the player has wagered at least a second predefined number of credits, which is less than the first predefined number. If so, the gaming machine (10) initiates a second bonus game. In addition, if the bonus trigger is not generated but a second, different bonus trigger for the second bonus game has been generated, and at least the second predefined number of credits has been wagered, the gaming device (10) initiates the second bonus game.

Rowe describes a bonus system (50) that includes a gaming machine (20) that is coupled to other devices through a communication network (58), including other gaming machines (20) and a player tracking or reward system host (54). The gaming machine (20) includes a player tracking device including a card reader (34) and/or a keypad (44). The host (54) provides a player tracking reward or “comp” function in which players that use player tracking cards are awarded with prizes based on, for example, a number of points accrued by using the player tracking card during play. The bonus system (50) determines eligibility of players to participate in a bonus event based on, for example, play of a specific gaming machine or type of gaming machine, wagering of a particular amount, an amount won or lost, a particular point total in a player’s reward account, whether the player has identified himself via the host (54), and the like. The bonus event is enabled for eligible players, and winning players are then awarded with a bonus prize.

Claim 1 recites a method for controlling access to a secondary game on a gaming machine during play of a primary game, wherein the method comprises “presenting a preselected wager threshold to a player via at least one of a visual message and an audio message . . . accepting a wager from the player via a gaming machine input device . . . comparing, via a processor, the accepted wager to the preselected wager threshold . . . prompting the player to increase the accepted wager when the accepted wager is less than the preselected wager threshold . . . initiating the secondary game, by the gaming machine, when the accepted wager equals the preselected wager threshold....”

No combination of Baerlocher and Rowe describes nor suggests a method for controlling access to a secondary game on a gaming machine, as recited in Claim 1. More specifically, no combination of Baerlocher and Rowe describes nor suggests presenting a preselected wager threshold to a player via a visual message and/or an audio message. Moreover, no combination of Baerlocher and Rowe describes nor suggests comparing an accepted wager to the preselected wager threshold, prompting a player to increase the accepted wager when the accepted wager is less than the preselected wager threshold, and initiating the secondary game when the accepted wager equals the preselected wager threshold.

Rather, Baerlocher describes a surprise or mystery bonus trigger that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player, and Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Baerlocher in view of Rowe.

Claim 22 has been cancelled. Claims 2-5 depend from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-5 likewise are patentable over Baerlocher in view of Rowe.

Claim 7 recites a system for allowing secondary play on a gaming machine having a primary game and a secondary game, wherein the system comprises “a monitor configured to display a prestored trigger to a player via a visual message....”

No combination of Baerlocher and Rowe describes nor suggests a system for allowing secondary play on a gaming machine, as recited in Claim 7. More specifically, no combination of Baerlocher and Rowe describes nor suggests a monitor that displays a prestored trigger to a player via a visual message. Rather, Baerlocher describes a surprise or mystery bonus trigger that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player, and Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game.

Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Baerlocher in view of Rowe.

Claims 8-15 depend from independent Claim 7. When the recitations of Claims 8-15 are considered in combination with the recitations of Claim 7, Applicant submits that dependent Claims 8-15 likewise are patentable over Baerlocher in view of Rowe.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-5, 7-15, and 22 be withdrawn.

The rejection of Claims 16-21 under 35 U.S.C. § 103(a) as being unpatentable over Baerlocher in view of Rowe, and further in view of Paulsen is respectfully traversed.

Independent Claim 16 has been amended to recite “presenting to the player via at least one of a visual message and an audio message one of a first predetermined threshold and a second predetermined threshold that is different than the first predetermined threshold, wherein the first predetermined threshold only applies to players enrolled in the player tracking system and wherein the second predetermined threshold applies to players not enrolled in the player tracking system....” Applicant respectfully submits that no combination of Baerlocher, Rowe, and Paulsen describes nor suggests such a recitation. Specifically, Baerlocher does not describe nor suggest presenting, *using a visual message or an audio message*, the preselected wager threshold to the player. Rather, Applicant respectfully submits that Baerlocher describes *a surprise or mystery bonus trigger* that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player. Applicant submits that presenting a preselected wager threshold differs from merely requiring a number of credits to be wagered, as is described by Baerlocher.

Moreover, independent Claim 21 has been amended to recite “a comparator configured to: compare the wager to the one of the first and second wager thresholds . . . prompt the player via said monitor to increase the wager if the wager is less than the one of the first and second wager thresholds . . . generate a signal to initiate a secondary game based only on the comparison of the wager to one of the first and second wager thresholds and when the wager is at least equal to and greater than one of the first and second wager thresholds....” Applicant respectfully submits that no combination of Baerlocher, Rowe, and Paulsen describes such a recitation. Specifically, Baerlocher does not describe nor suggest comparing an accepted wager to a preselected wager threshold, and prompting the player to increase the wager if the accepted wager does not at least equal the preselected wager threshold. Rather, as described above, Baerlocher describes *a surprise or mystery bonus*

trigger that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player.

Baerlocher and Rowe are described above. Paulsen describes a user interface (50) for use in modifying a player preference account. The user interface (50) may be displayed on a computing device such as a gaming machine (2) or a home computer. The user interface (50) may be used by a player to create and modify a preference account that includes preference account information corresponding to one or more game playing options preferred by the player. The user interface (50) may also be used by a game operator or a preference account administrator to create and modify preference accounts for game players. The preference account information may include, for example, loyalty point account information and settings, preferred promotional opportunities, preferred games and game feature settings for the games, preferred gaming machine settings, preferred bonus games, preferred progressive games, and preferred service options.

Claim 16 recites a method of initiating a secondary game on a gaming machine during play of a primary game, wherein the method comprises “determining whether a player is enrolled in a player tracking system . . . presenting to the player via at least one of a visual message and an audio message one of a first predetermined threshold and a second predetermined threshold that is different than the first predetermined threshold, wherein the first predetermined threshold only applies to players enrolled in the player tracking system and wherein the second predetermined threshold applies to players not enrolled in the player tracking system...”

No combination of Baerlocher, Rowe, and Paulsen describes nor suggests a method of initiating a secondary game on a gaming machine, as recited in Claim 16. More specifically, no combination of Baerlocher, Rowe, and Paulsen describes nor suggests presenting to the player via at least one of a visual message and an audio message one of a first predetermined threshold and a second predetermined threshold based on whether the player is enrolled in a player tracking system. Rather, Baerlocher describes a surprise or mystery bonus trigger that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player, Rowe describes determining eligibility for participation in a bonus and

awarding a bonus independent of a specific outcome of a base game, and Paulsen describes a user interface for use in creating and modifying a preference account for a game player that includes preference account information corresponding to one or more game playing options preferred by the player.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Baerlocher in view of Rowe and Paulsen.

Claims 17-20 depend from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17-20 likewise are patentable over Baerlocher in view of Rowe and Paulsen.

Claim 21 recites a system for accessing a secondary game during play of a primary game, wherein the system comprises “a plurality of gaming machines that each comprises: a data input device configured to accept a wager from a player . . . a monitor configured to display one of a first wager threshold and a second wager threshold that is different than the first wager threshold . . . a server coupled to the plurality of gaming machines, wherein said server comprises: a player tracking determiner configured to determine whether the player is enrolled in a player tracking system . . . a comparator configured to: compare the wager to the one of the first and second wager thresholds . . . prompt the player via said monitor to increase the wager if the wager is less than the one of the first and second wager thresholds . . . generate a signal to initiate a secondary game based only on the comparison of the wager to one of the first and second wager thresholds and when the wager is at least equal to and greater than one of the first and second wager thresholds....”

No combination of Baerlocher, Rowe, and Paulsen describes nor suggests a system for accessing a secondary game during play of a primary game, as recited in Claim 21. More specifically, no combination of Baerlocher, Rowe, and Paulsen describes nor suggests a plurality of gaming machines that each includes a monitor configured to display one of a first wager threshold and a second wager threshold based on whether the player is enrolled in a player tracking system. Moreover, no combination of Baerlocher, Rowe, and Paulsen

describes nor suggests a server including a comparator that is configured to compare the wager to the one of the first and second wager thresholds, prompt the player via said monitor to increase the wager if the wager is less than the one of the first and second wager thresholds, and generate a signal to initiate a secondary game when the wager is at least equal to one of the first and second wager thresholds.

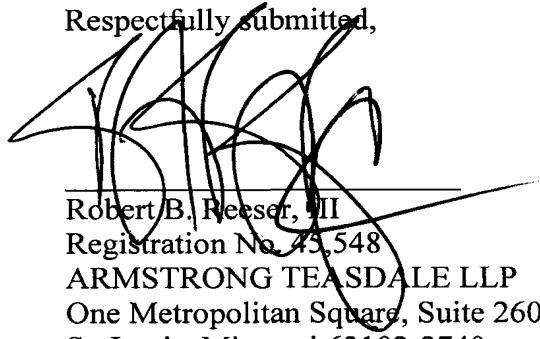
Rather, Baerlocher describes a surprise or mystery bonus trigger that is based on a wager amount such that the amount necessary to trigger the bonus is unknown to the player, Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game, and Paulsen describes a user interface for use in creating and modifying a preference account for a game player that includes preference account information corresponding to one or more game playing options preferred by the player.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Baerlocher in view of Rowe and Paulsen.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 16-21 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,



Robert B. Reeser, III
Registration No. 43,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070